

LAURA ROSENBAUM, OSB No. 110061
laura.rosenbaum@stoel.com
STOEL RIVES LLP
760 SW Ninth Avenue, Suite 300
Portland, OR 97205
Tel: (503) 224-3380
Fax: (503) 220-2480

DANIEL PRINCE, Cal. SB# 237112 (*pro hac vice*)
danielprince@paulhastings.com
FELICIA A. DAVIS, Cal. SB# 266523 (*pro hac vice*)
feliciadavis@paulhastings.com
LINDSEY C. JACKSON, Cal SB# 313396 (*pro hac vice*)
lindseyjackson@paulhastings.com
ALYSSA K. TAPPER, Cal. SB# 324303 (*pro hac vice*)
alyssatapper@paulhastings.com
PAUL HASTINGS LLP
515 South Flower Street, 25th Floor
Los Angeles, CA 90071
Tel: (213) 683-6000
Fax: (213) 627-0705

Attorneys for Defendant NIKE, INC.
[Additional counsel of record listed on signature page]

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

KELLY CAHILL, SARA JOHNSTON,
LINDSAY ELIZABETH, and HEATHER
HENDER, individually and on behalf of
others similarly situated,

Plaintiffs,

v.

NIKE, INC., an Oregon Corporation,

Defendant.

Case No.: 3:18-cv-01477-AB

**JOINT STIPULATION REGARDING
PRE-TRIAL DEADLINES;
[PROPOSED] ORDER**

Plaintiffs Kelly Cahill, Sara Johnston, Lindsay Elizabeth, and Heather Hender (“Plaintiffs”) and Defendant NIKE, Inc. (“NIKE”) (collectively, the “Parties”), through their respective counsel, hereby stipulate as follows:

WHEREAS, on November 15, 2024, the Court issued its Civil Jury Trial Management Order, which states that motions *in limine* shall not “exceed 30 pages without leave of court” and “[r]esponses to motions *in limine* . . . shall not exceed 15 pages without leave of court.” ECF No. 557 at 3. NIKE believes it needs additional pages for its motion *in limine* because the claims of the four Plaintiffs will be tried together, and as a result, the Parties’ motion *in limine* page allocation must address issues relating to all four Plaintiffs. Plaintiffs agreed to NIKE’s request for additional pages if the Parties also jointly requested a few additional pages for the replies. As a result, the Parties jointly request that motions *in limine* not exceed 40 pages per side and 20 pages for responses.

WHEREAS, on December 19, 2024, the Court ordered the following pre-trial deadlines: (1) pretrial motions to exclude expert testimony, if any, are due by January 21, 2025; (2) responses are due by January 27, 2025; (3) any optional replies are due February 3, 2025; and (4) a hearing on expert motions, if needed, is scheduled for February 14, 2025. *See* ECF No. 578. While Plaintiffs’ expert Dr. David Neumark provided six possible dates for a deposition, his earliest available date is January 20, 2025. To accommodate this, other pretrial obligations, and other agreements of the Parties, after extensive meet and confer communications, the Parties jointly request an extension of the deadline to file any motions to exclude concerning Dr. Neumark or Nike’s rebuttal expert to January 28, 2025, with responses due February 7, 2025, and no replies.

WHEREAS, on November 15, 2024, the Court issued its Civil Jury Trial Management

Order, which requires the Parties to file, after meeting and conferring, a “Joint List of Exhibits and Objections” that includes stipulated exhibits and other information as well as a “Joint Witness List” on February 3, 2025, with:

- (1) “all witnesses whose testimony may be received without objection;”
- (2) “all other witness testimony that will be the subject of objection together with a concise summary of the challenged testimony, a one-line statement of the admissible purposes for which that challenged testimony is proffered, and a one-line summary statement of the bases for all objections to that proffered testimony;” and
- (3) “an estimate of the time necessary to complete the testimony of each witness.”
- (4) “If a witness is to be called by both sides, the parties are directed to confer as to the most efficient and fair presentation of testimony.”

ECF No. 557 at 4.

To comply with these requirements, the Parties must exchange witnesses, exhibits, and witness statements, exchange objections regarding same, and have significant meet and confer discussions. After numerous meet and confer discussions to develop a schedule for exchanges and discussions to comply with the JTMO, the following proposal became necessary for the Parties to agree upon such a schedule.

To permit the Parties sufficient time to exchange, meet and confer, and resolve issues concerning exchanged exhibits, witnesses, and witness statements, and potential rebuttal exhibits, potential rebuttal witnesses, and potential rebuttal witness statements, the Parties jointly request that they be permitted to file a “Joint Rebuttal List of Exhibits and Objections” and a “Joint Rebuttal Witness List,” each complying with the requirements set forth in the JTMO, on February 10, 2025 (the Parties will comply with the February 3, 2025 deadline for the Joint List

of Exhibits and Objections and the Joint Witness List).

As a result, based on the foregoing, the Parties request that the Court enter an order making the following modifications to the Court's pre-trial orders:

1. Motions *in limine* shall be filed as sub-parts within a single document not to exceed 40 pages for NIKE and 40 pages in total for Plaintiffs. Responses to motions *in limine* shall not exceed 20 pages for NIKE and 20 pages in total for Plaintiffs.
2. Pretrial motions to exclude expert testimony of Dr. Neumark or NIKE's rebuttal expert witness, if any, shall be filed no later than January 28, 2025. The deadline to file a motion to exclude Jennifer Murphy's expert testimony, if any, shall remain January 21, 2025. *See* ECF No. 578. Any responses to motions to exclude expert testimony shall be filed no later than February 7, 2025. The Parties shall not file replies in support of any motions to exclude expert testimony. Any hearing on motions to exclude expert testimony shall remain on February 14, 2025, pursuant to Court Order (ECF No. 578).
3. If a Party seeks to add any rebuttal exhibits or witnesses, the Parties shall file a "Joint Rebuttal List of Exhibits and Objections" and a "Joint Rebuttal Witness List," each of which must comply the requirements set forth in the Jury Trial Management Order for a "Joint List of Exhibits and Objections" and a "Joint Witness List," on February 10, 2025.

Dated: January 13, 2025

s/Byron Goldstein

Laura L. Ho (admitted pro hac vice)

lho@gbdhlegal.com

Barry Goldstein, Of Counsel (admitted pro hac vice)

bgoldstein@gbdhlegal.com

James Kan (admitted pro hac vice)
jkan@gbdhlegal.com
Byron Goldstein (admitted pro hac vice)
brgoldstein@gbdhlegal.com
Katharine L. Fisher (admitted pro hac vice)
kfisher@gbdhlegal.com
GOLDSTEIN, BORGEN, DARDARIAN & HO
155 Grand Avenue, Suite 900
Oakland, CA 94612
Telephone: (510) 763-9800 | Fax: (510) 835-1417

Laura Salerno Owens, OSB #076230
LauraSalerno@MarkowitzHerbold.com
David B. Markowitz, OSB #742046
DavidMarkowitz@MarkowitzHerbold.com
Harry B. Wilson, OSB #077214
HarryWilson@MarkowitzHerbold.com
Kathryn P. Roberts OSB #064854
KathrynRoberts@MarkowitzHerbold.com
MARKOWITZ HERBOLD PC
1455 SW Broadway, Suite 1900
Portland, OR 97201
Telephone: (503) 295-3085
Fax: (503) 323-9105

Craig Ackerman (admitted *pro hac vice*)
cja@ackermanntilajef.com
ACKERMANN & TILAJEF PC
1180 S Beverly Drive, Suite 610
Los Angeles, CA 90035
Tel: (310) 277-0614
Fax: (310) 277-0635

India Lin Bodien (admitted *pro hac vice*)
india@indialinbodienlaw.com
INDIA LIN BODIEN LAW
2522 North Proctor Street, #387
Tacoma, WA 98406-5338
Tel: (253) 503-1672
Fax: (253) 276-0081

Attorneys for Plaintiffs

Dated: January 13, 2025

s/Felicia A. Davis

Daniel Prince, Cal. SB# 237112 (*pro hac vice*)
danielprince@paulhastings.com
Felicia A. Davis, Cal. SB# 266523 (*pro hac vice*)
feliciadavis@paulhastings.com
Lindsey C. Jackson, Cal. SB# 313396 (*pro hac vice*)
lindseyjackson@paulhastings.com
Alyssa K. Tapper, Cal. SB# 324303 (*pro hac vice*)
alyssatapper@paulhastings.com
PAUL HASTINGS LLP
515 South Flower Street, Twenty-Fifth Floor
Los Angeles, CA 90071-2228
Tel: (213) 683-6000
Fax: (213) 627-0705

Laura Rosenbaum, OSB No. 110061
Laura.rosenbaum@stoel.com
STOEL RIVES LLP
760 SW Ninth Avenue, Suite 3000
Portland, OR 97205
Tel: (503) 224-3380
Fax: (503) 220-2480
Attorneys for Defendant NIKE, Inc.

SIGNATURE ATTESTATION

In accordance with Civil Local Rule 11(b)(2), I attest that concurrence in the filing of this document has been obtained from the signatories on this e-filed document.

Dated: January 13, 2025

Respectfully submitted,

PAUL HASTINGS LLP

s/Felicia A. Davis

Felicia A. Davis (*pro hac vice*)

[PROPOSED] ORDER

1. Motions *in limine* shall be filed as sub-parts within a single document not to exceed 40 pages in total for NIKE and 40 pages in total for Plaintiffs. Responses to motions *in limine* shall not exceed 20 pages in total for NIKE and 20 pages in total for Plaintiffs.
2. Pretrial motions to exclude expert testimony of Dr. Neumark or NIKE's rebuttal expert witness, if any, shall be filed no later than January 28, 2025. The deadline to file a motion to exclude Jennifer Murphy's expert testimony, if any, shall remain January 21, 2025. *See* ECF No. 578. Any responses to motions to exclude expert testimony shall be filed no later than February 7, 2025. The Parties shall not file replies in support of any motions to exclude expert testimony. Any hearing on motions to exclude expert testimony shall be on February 14, 2025, pursuant to Court Order (ECF No. 578).
3. If a Party seeks to add any rebuttal exhibits or witnesses, the Parties shall file a "Joint Rebuttal List of Exhibits and Objections" and a "Joint Rebuttal Witness List," each of which must comply the requirements set forth in the Jury Trial Management Order for a "Joint List of Exhibits and Objections" and a "Joint Witness List," on February 10, 2025.

IT IS SO ORDERED.

Dated:

HON. AMY BAGGIO
United States District Judge